

Calendar No. 152

104TH CONGRESS
1ST SESSION

S. 1061

A BILL

To provide for congressional gift reform.

JULY 21 (legislative day, JULY 10), 1995

Read twice and ordered to be placed on the calendar

Calendar No. 152

104TH CONGRESS
1ST SESSION

S. 1061

To provide for congressional gift reform.

IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 10), 1995

Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. BAUCUS, and Mr. MCCAIN) introduced the following bill; which was read twice and ordered to be placed on the calendar

A BILL

To provide for congressional gift reform.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS TO SENATE RULES.**

4 Rule XXXV of the Standing Rules of the Senate is
5 amended to read as follows:

6 “1. (a) No Member, officer, or employee of the Senate
7 shall accept a gift, knowing that such gift is provided by
8 a lobbyist registered under the Federal Regulation of Lob-
9 bying Act or any successor statute or an agent of a foreign

1 principal registered under the Foreign Agents Registra-
2 tion Act.

3 “(b) The prohibition in subparagraph (a) includes the
4 following:

5 “(1) Anything provided by a lobbyist or an
6 agent of a foreign principal which is paid for,
7 charged to, or reimbursed by a client or firm of such
8 lobbyist or agent of a foreign principal.

9 “(2) Anything provided by a lobbyist or an
10 agent of a foreign principal to an entity that is
11 maintained or controlled by a Member, officer, or
12 employee.

13 “(3) A charitable contribution (as defined in
14 section 170(c) of the Internal Revenue Code of
15 1986) made by a lobbyist or an agent of a foreign
16 principal on the basis of a designation, recommenda-
17 tion, or other specification of a Member, officer, or
18 employee (not including a mass mailing or other so-
19 licitation directed to a broad category of persons or
20 entities).

21 “(4) A contribution or other payment by a lob-
22 byist or an agent of a foreign principal to a legal ex-
23 pense fund established for the benefit of a Member,
24 officer, or employee.

1 “(5) A charitable contribution (as defined in
2 section 170(c) of the Internal Revenue Code of
3 1986) made by a lobbyist or an agent of a foreign
4 principal in lieu of an honorarium to a Member, offi-
5 cer, or employee.

6 “(6) A financial contribution or expenditure
7 made by a lobbyist or an agent of a foreign principal
8 relating to a conference, retreat, or similar event,
9 sponsored by or affiliated with an official congres-
10 sional organization, for or on behalf Members, offi-
11 cers, or employees.

12 “(c) The following are not gifts subject to the prohibi-
13 tion in subparagraph (a):

14 “(1) Anything for which the recipient pays the
15 market value, or does not use and promptly returns
16 to the donor.

17 “(2) A contribution, as defined in the Federal
18 Election Campaign Act of 1971 (2 U.S.C. 431 et
19 seq.) that is lawfully made under that Act, or at-
20 tendance at a fundraising event sponsored by a po-
21 litical organization described in section 527(e) of the
22 Internal Revenue Code of 1986.

23 “(3) Food or refreshments of nominal value of-
24 fered other than as part of a meal.

1 “(4) Benefits resulting from the business, em-
2 ployment, or other outside activities of the spouse of
3 a member, officer, or employee, if such benefits are
4 customarily provided to others in similar cir-
5 cumstances.

6 “(5) Pension and other benefits resulting from
7 continued participation in an employee welfare and
8 benefits plan maintained by a former employer.

9 “(6) Informational materials that are sent to
10 the office of a Member, officer, or employee in the
11 form of books, articles, periodicals, other written
12 materials, audiotapes, videotapes, or other forms of
13 communication.

14 “(d)(1) A gift given by an individual under cir-
15 cumstances which make it clear that the gift is given for
16 a nonbusiness purpose and is motivated by a family rela-
17 tionship or close personal friendship and not by the posi-
18 tion of the Member, officer, or employee shall not be sub-
19 ject to the prohibition in subparagraph (a).

20 “(2) A gift shall not be considered to be given for
21 a nonbusiness purpose if the individual giving the gift
22 seeks—

23 “(A) to deduct the value of such gift as a busi-
24 ness expense on the individual’s Federal income tax
25 return, or

1 “(B) direct or indirect reimbursement or any
2 other compensation for the value of the gift from a
3 client or employer of such lobbyist or agent of a for-
4 eign principal.

5 “(3) In determining if the giving of a gift is moti-
6 vated by a family relationship or close personal friendship,
7 at least the following factors shall be considered:

8 “(A) The history of the relationship between
9 the individual giving the gift and the recipient of the
10 gift, including whether or not gifts have previously
11 been exchanged by such individuals.

12 “(B) Whether the gift was purchased by the in-
13 dividual who gave the item.

14 “(C) Whether the individual who gave the gift
15 also at the same time gave the same or similar gifts
16 to other Members, officers, or employees.

17 “2. (a) In addition to the restriction on receiving gifts
18 from registered lobbyists, lobbying firms, and agents of
19 foreign principals provided by paragraph 1 and except as
20 provided in this Rule, no Member, officer, or employee of
21 the Senate shall knowingly accept a gift from any other
22 person.

23 “(b)(1) For the purpose of this Rule, the term ‘gift’
24 means any gratuity, favor, discount, entertainment, hospi-
25 tality, loan, forbearance, or other item having monetary

1 value. The term includes gifts of services, training, trans-
2 portation, lodging, and meals, whether provided in kind,
3 by purchase of a ticket, payment in advance, or reimburse-
4 ment after the expense has been incurred.

5 “(2) A gift to the spouse or dependent of a Member,
6 officer, or employee (or a gift to any other individual based
7 on that individual’s relationship with the Member, officer,
8 or employee) shall be considered a gift to the Member,
9 officer, or employee if it is given with the knowledge and
10 acquiescence of the Member, officer, or employee and the
11 Member, officer, or employee has reason to believe the gift
12 was given because of the official position of the Member,
13 officer, or employee.

14 “(c) The restrictions in subparagraph (a) shall not
15 apply to the following:

16 “(1) Anything for which the Member, officer, or
17 employee pays the market value, or does not use and
18 promptly returns to the donor.

19 “(2) A contribution, as defined in the Federal
20 Election Campaign Act of 1971 (2 U.S.C. 431 et
21 seq.) that is lawfully made under that Act, or at-
22 tendance at a fundraising event sponsored by a po-
23 litical organization described in section 527(e) of the
24 Internal Revenue Code of 1986.

1 “(3) Anything provided by an individual on the
2 basis of a personal or family relationship unless the
3 Member, officer, or employee has reason to believe
4 that, under the circumstances, the gift was provided
5 because of the official position of the Member, offi-
6 cer, or employee and not because of the personal or
7 family relationship. The Select Committee on Ethics
8 shall provide guidance on the applicability of this
9 clause and examples of circumstances under which a
10 gift may be accepted under this exception.

11 “(4) A contribution or other payment to a legal
12 expense fund established for the benefit of a Mem-
13 ber, officer, or employee, that is otherwise lawfully
14 made, if the person making the contribution or pay-
15 ment is identified for the Select Committee on Eth-
16 ics.

17 “(5) Any food or refreshments which the recipi-
18 ent reasonably believes to have a value of less than
19 \$20.

20 “(6) Any gift from another Member, officer, or
21 employee of the Senate or the House of Representa-
22 tives.

23 “(7) Food, refreshments, lodging, and other
24 benefits—

1 “(A) resulting from the outside business or
2 employment activities (or other outside activi-
3 ties that are not connected to the duties of the
4 Member, officer, or employee as an officeholder)
5 of the Member, officer, or employee, or the
6 spouse of the Member, officer, or employee, if
7 such benefits have not been offered or enhanced
8 because of the official position of the Member,
9 officer, or employee and are customarily pro-
10 vided to others in similar circumstances;

11 “(B) customarily provided by a prospective
12 employer in connection with bona fide employ-
13 ment discussions; or

14 “(C) provided by a political organization
15 described in section 527(e) of the Internal Rev-
16 enue Code of 1986 in connection with a fund-
17 raising or campaign event sponsored by such an
18 organization.

19 “(8) Pension and other benefits resulting from
20 continued participation in an employee welfare and
21 benefits plan maintained by a former employer.

22 “(9) Informational materials that are sent to
23 the office of the Member, officer, or employee in the
24 form of books, articles, periodicals, other written

1 materials, audiotapes, videotapes, or other forms of
2 communication.

3 “(10) Awards or prizes which are given to com-
4 petitors in contests or events open to the public, in-
5 cluding random drawings.

6 “(11) Honorary degrees (and associated travel,
7 food, refreshments, and entertainment) and other
8 bona fide, nonmonetary awards presented in recogni-
9 tion of public service (and associated food, refresh-
10 ments, and entertainment provided in the presen-
11 tation of such degrees and awards).

12 “(12) Donations of products from the State
13 that the Member represents that are intended pri-
14 marily for promotional purposes, such as display or
15 free distribution, and are of minimal value to any in-
16 dividual recipient.

17 “(13) Food, refreshments, and entertainment
18 provided to a Member or an employee of a Member
19 in the Member’s home State, subject to reasonable
20 limitations, to be established by the Committee on
21 Rules and Administration.

22 “(14) An item of little intrinsic value such as
23 a greeting card, baseball cap, or a T shirt.

24 “(15) Training (including food and refresh-
25 ments furnished to all attendees as an integral part

1 of the training) provided to a Member, officer, or
2 employee, if such training is in the interest of the
3 Senate.

4 “(16) Bequests, inheritances, and other trans-
5 fers at death.

6 “(17) Any item, the receipt of which is author-
7 ized by the Foreign Gifts and Decorations Act, the
8 Mutual Educational and Cultural Exchange Act, or
9 any other statute.

10 “(18) Anything which is paid for by the Federal
11 Government, by a State or local government, or se-
12 cured by the Government under a Government con-
13 tract.

14 “(19) A gift of personal hospitality of an indi-
15 vidual, as defined in section 109(14) of the Ethics
16 in Government Act.

17 “(20) Free attendance at a widely attended
18 event permitted pursuant to subparagraph (d).

19 “(21) Opportunities and benefits which are—

20 “(A) available to the public or to a class
21 consisting of all Federal employees, whether or
22 not restricted on the basis of geographic consid-
23 eration;

1 “(B) offered to members of a group or
2 class in which membership is unrelated to con-
3 gressional employment;

4 “(C) offered to members of an organiza-
5 tion, such as an employees’ association or con-
6 gressional credit union, in which membership is
7 related to congressional employment and similar
8 opportunities are available to large segments of
9 the public through organizations of similar size;

10 “(D) offered to any group or class that is
11 not defined in a manner that specifically dis-
12 criminate among Government employees on the
13 basis of branch of Government or type of re-
14 sponsibility, or on a basis that favors those of
15 higher rank or rate of pay;

16 “(E) in the form of loans from banks and
17 other financial institutions on terms generally
18 available to the public; or

19 “(F) in the form of reduced membership or
20 other fees for participation in organization ac-
21 tivities offered to all Government employees by
22 professional organizations if the only restric-
23 tions on membership relate to professional
24 qualifications.

1 “(22) A plaque, trophy, or other memento of
2 modest value.

3 “(23) Anything for which, in an unusual case,
4 a waiver is granted by the Select Committee on Eth-
5 ics.

6 “(d)(1) Except as prohibited by paragraph 1, a Mem-
7 ber, officer, or employee may accept an offer of free at-
8 tendance at a widely attended convention, conference,
9 symposium, forum, panel discussion, dinner, viewing, re-
10 ception, or similar event, provided by the sponsor of the
11 event, if—

12 “(A) the Member, officer, or employee partici-
13 pates in the event as a speaker or a panel partici-
14 pant, by presenting information related to Congress
15 or matters before Congress, or by performing a cere-
16 monial function appropriate to the Member’s, offi-
17 cer’s, or employee’s official position; or

18 “(B) attendance at the event is appropriate to
19 the performance of the official duties or representa-
20 tive function of the Member, officer, or employee.

21 “(2) A Member, officer, or employee who attends an
22 event described in clause (1) may accept a sponsor’s unso-
23 licited offer of free attendance at the event for an accom-
24 panying individual if others in attendance will generally

1 be similarly accompanied or if such attendance is appro-
2 priate to assist in the representation of the Senate.

3 “(3) Except as prohibited by paragraph 1, a Member,
4 officer, or employee, or the spouse or dependent thereof,
5 may accept a sponsor’s unsolicited offer of free attendance
6 at a charity event, except that reimbursement for trans-
7 portation and lodging may not be accepted in connection
8 with the event.

9 “(4) For purposes of this paragraph, the term ‘free
10 attendance’ may include waiver of all or part of a con-
11 ference or other fee, the provision of local transportation,
12 or the provision of food, refreshments, entertainment, and
13 instructional materials furnished to all attendees as an in-
14 tegral part of the event. The term does not include enter-
15 tainment collateral to the event, or food or refreshments
16 taken other than in a group setting with all or substan-
17 tially all other attendees.

18 “(e) No Member, officer, or employee may accept a
19 gift the value of which exceeds \$250 on the basis of the
20 personal relationship exception in subparagraph (c)(3) or
21 the close personal friendship exception in section 106(d)
22 of the Lobbying Disclosure Act of 1994 unless the Select
23 Committee on Ethics issues a written determination that
24 one of such exceptions applies.

1 “(f)(1) The Committee on Rules and Administration
2 is authorized to adjust the dollar amount referred to in
3 subparagraph (c)(5) on a periodic basis, to the extent nec-
4 essary to adjust for inflation.

5 “(2) The Select Committee on Ethics shall provide
6 guidance setting forth reasonable steps that may be taken
7 by Members, officers, and employees, with a minimum of
8 paperwork and time, to prevent the acceptance of prohib-
9 ited gifts from lobbyists.

10 “(3) When it is not practicable to return a tangible
11 item because it is perishable, the item may, at the discre-
12 tion of the recipient, be given to an appropriate charity
13 or destroyed.

14 “3. (a)(1) Except as prohibited by paragraph 1, a re-
15 imbursement (including payment in kind) to a Member,
16 officer, or employee for necessary transportation, lodging
17 and related expenses for travel to a meeting, speaking en-
18 gagement, factfinding trip or similar event in connection
19 with the duties of the Member, officer, or employee as an
20 officeholder shall be deemed to be a reimbursement to the
21 Senate and not a gift prohibited by this Rule, if the Mem-
22 ber, officer, or employee—

23 “(A) in the case of an employee, receives ad-
24 vance authorization, from the Member or officer

1 under whose direct supervision the employee works,
2 to accept reimbursement, and

3 “(B) discloses the expenses reimbursed or to be
4 reimbursed and the authorization to the Secretary of
5 the Senate within 30 days after the travel is com-
6 pleted.

7 “(2) For purposes of clause (1), events, the activities
8 of which are substantially recreational in nature, shall not
9 be considered to be in connection with the duties of a
10 Member, officer, or employee as an officeholder.

11 “(b) Each advance authorization to accept reimburse-
12 ment shall be signed by the Member or officer under whose
13 direct supervision the employee works and shall include—

14 “(1) the name of the employee;

15 “(2) the name of the person who will make the
16 reimbursement;

17 “(3) the time, place, and purpose of the travel;
18 and

19 “(4) a determination that the travel is in con-
20 nection with the duties of the employee as an office-
21 holder and would not create the appearance that the
22 employee is using public office for private gain.

23 “(c) Each disclosure made under subparagraph
24 (a)(1) of expenses reimbursed or to be reimbursed shall
25 be signed by the Member or officer (in the case of travel

1 by that Member or officer) or by the Member or officer
2 under whose direct supervision the employee works (in the
3 case of travel by an employee) and shall include—

4 “(1) a good faith estimate of total transpor-
5 tation expenses reimbursed or to be reimbursed;

6 “(2) a good faith estimate of total lodging ex-
7 penses reimbursed or to be reimbursed;

8 “(3) a good faith estimate of total meal ex-
9 penses reimbursed or to be reimbursed;

10 “(4) a good faith estimate of the total of other
11 expenses reimbursed or to be reimbursed;

12 “(5) a determination that all such expenses are
13 necessary transportation, lodging, and related ex-
14 penses as defined in this paragraph; and

15 “(6) in the case of a reimbursement to a Mem-
16 ber or officer, a determination that the travel was in
17 connection with the duties of the Member or officer
18 as an officeholder and would not create the appear-
19 ance that the Member or officer is using public of-
20 fice for private gain.

21 “(d) For the purposes of this paragraph, the term
22 ‘necessary transportation, lodging, and related ex-
23 penses’—

24 “(1) includes reasonable expenses that are nec-
25 essary for travel for a period not exceeding 3 days

1 exclusive of travel time within the United States or
2 7 days exclusive of travel time outside of the United
3 States unless approved in advance by the Select
4 Committee on Ethics;

5 “(2) is limited to reasonable expenditures for
6 transportation, lodging, conference fees and mate-
7 rials, and food and refreshments, including reim-
8 bursement for necessary transportation, whether or
9 not such transportation occurs within the periods de-
10 scribed in clause (1);

11 “(3) does not include expenditures for rec-
12 reational activities, or entertainment other than that
13 provided to all attendees as an integral part of the
14 event; and

15 “(4) may include travel expenses incurred on
16 behalf of either the spouse or a child of the Member,
17 officer, or employee, subject to a determination
18 signed by the Member or officer (or in the case of
19 an employee, the Member or officer under whose di-
20 rect supervision the employee works) that the at-
21 tendance of the spouse or child is appropriate to as-
22 sist in the representation of the Senate.

23 “(e) The Secretary of the Senate shall make available
24 to the public all advance authorizations and disclosures

1 of reimbursement filed pursuant to subparagraph (a) as
2 soon as possible after they are received.”.

3 **SEC. 2. AMENDMENTS TO HOUSE RULES.**

4 Clause 4 of rule XLIII of the Rules of the House
5 of Representatives is amended to read as follows:

6 “4. (a)(1) No Member, officer, or employee of the
7 House of Representatives shall accept a gift, knowing that
8 such gift is provided directly or indirectly by a lobbyist
9 registered under the Federal Regulation of Lobbying Act
10 or any successor statute, or an agent of a foreign principal
11 registered under the Foreign Agents Registration Act.

12 “(2) The prohibition in subparagraph (1) includes the
13 following:

14 “(A) Anything provided by a lobbyist or an
15 agent of a foreign principal which is paid for,
16 charged to, or reimbursed by a client or firm of such
17 lobbyist or agent of a foreign principal.

18 “(B) Anything provided by a lobbyist or an
19 agent of a foreign principal to an entity that is
20 maintained or controlled by a Member, officer, or
21 employee.

22 “(C) A charitable contribution (as defined in
23 section 170(c) of the Internal Revenue Code of
24 1986) made by a lobbyist or an agent of a foreign
25 principal on the basis of a designation, recommenda-

1 tion, or other specification of a Member, officer, or
2 employee (not including a mass mailing or other so-
3 licitation directed to a broad category of persons or
4 entities).

5 “(D) A contribution or other payment by a lob-
6 byist or an agent of a foreign principal to a legal ex-
7 pense fund established for the benefit of a Member,
8 officer, or employee.

9 “(E) A charitable contribution (as defined in
10 section 170(c) of the Internal Revenue Code of
11 1986) made by a lobbyist or an agent of a foreign
12 principal in lieu of an honorarium to a Member, offi-
13 cer, or employee.

14 “(F) A financial contribution or expenditure
15 made by a lobbyist or an agent of a foreign principal
16 relating to a conference, retreat, or similar event,
17 sponsored by or affiliated with an official congres-
18 sional organization, for or on behalf of Members, of-
19 ficers, or employees.

20 “(3) The following are not gifts subject to the prohi-
21 bition in subparagraph (1):

22 “(A) Anything for which the recipient pays the
23 market value, or does not use and promptly returns
24 to the donor.

1 “(B) A contribution, as defined in the Federal
2 Election Campaign Act of 1971 (2 U.S.C. 431 et
3 seq.) that is lawfully made under that Act, or at-
4 tendance at a fundraising event sponsored by a po-
5 litical organization described in section 527(e) of the
6 Internal Revenue Code of 1986.

7 “(C) Food or refreshments of nominal value of-
8 fered other than as part of a meal.

9 “(D) Benefits resulting from the business, em-
10 ployment, or other outside activities of the spouse of
11 a Member, officer, or employee if such benefits are
12 customarily provided to others in similar cir-
13 cumstances.

14 “(E) Pension and other benefits resulting from
15 continued participation in an employee welfare and
16 benefits plan maintained by a former employer.

17 “(F) Informational materials that are sent to
18 the office of a Member, officer, or employee in the
19 form of books, articles, periodicals, other written
20 materials, audiotapes, videotapes, or other forms of
21 communication.

22 “(4)(A) A gift given by an individual under cir-
23 cumstances which make it clear that the gift is given for
24 a nonbusiness purpose and is motivated by a family rela-
25 tionship or close personal friendship and not by the posi-

1 tion of the Member, officer, or employee shall not be sub-
2 ject to the prohibition in subparagraph (1).

3 “(B) A gift shall not be considered to be given for
4 a nonbusiness purpose if the individual giving the gift
5 seeks—

6 “(i) to deduct the value of such gift as a busi-
7 ness expense on the individual’s Federal income tax
8 return, or

9 “(ii) direct or indirect reimbursement or any
10 other compensation for the value of the gift from a
11 client or employer of such lobbyist or agent of a for-
12 eign principal.

13 “(C) In determining if the giving of a gift is moti-
14 vated by a family relationship or close personal friendship,
15 at least the following factors shall be considered:

16 “(i) The history of the relationship between the
17 individual giving the gift and the recipient of the
18 gift, including whether or not gifts have previously
19 been exchanged by such individuals.

20 “(ii) Whether the gift was purchased by the in-
21 dividual who gave the item.

22 “(iii) Whether the individual who gave the gift
23 also at the same time gave the same or similar gifts
24 to other Members, officers, or employees.

1 “(b) In addition to the restriction on receiving gifts
2 from registered lobbyists, lobbying firms, and agents of
3 foreign principals provided by paragraph (a) and except
4 as provided in this Rule, no Member, officer, or employee
5 of the House of Representatives shall knowingly accept a
6 gift from any other person.

7 “(c)(1) For the purpose of this clause, the term ‘gift’
8 means any gratuity, favor, discount, entertainment, hospi-
9 tality, loan, forbearance, or other item having monetary
10 value. The term includes gifts of services, training, trans-
11 portation, lodging, and meals, whether provided in kind,
12 by purchase of a ticket, payment in advance, or reimburse-
13 ment after the expense has been incurred.

14 “(2) A gift to the spouse or dependent of a Member,
15 officer, or employee (or a gift to any other individual based
16 on that individual’s relationship with the Member, officer,
17 or employee) shall be considered a gift to the Member,
18 officer, or employee if it is given with the knowledge and
19 acquiescence of the Member, officer, or employee and the
20 Member, officer, or employee has reason to believe the gift
21 was given because of the official position of the Member,
22 officer, or employee.

23 “(d) The restrictions in paragraph (b) shall not apply
24 to the following:

1 “(1) Anything for which the Member, officer, or
2 employee pays the market value, or does not use and
3 promptly returns to the donor.

4 “(2) A contribution, as defined in the Federal
5 Election Campaign Act of 1971 (2 U.S.C. 431 et
6 seq.) that is lawfully made under that Act, or at-
7 tendance at a fundraising event sponsored by a po-
8 litical organization described in section 527(e) of the
9 Internal Revenue Code of 1986.

10 “(3) Anything provided by an individual on the
11 basis of a personal or family relationship unless the
12 Member, officer, or employee has reason to believe
13 that, under the circumstances, the gift was provided
14 because of the official position of the Member, offi-
15 cer, or employee and not because of the personal or
16 family relationship. The Committee on Standards of
17 Official Conduct shall provide guidance on the appli-
18 cability of this clause and examples of circumstances
19 under which a gift may be accepted under this ex-
20 ception.

21 “(4) A contribution or other payment to a legal
22 expense fund established for the benefit of a Mem-
23 ber, officer, or employee, that is otherwise lawfully
24 made, if the person making the contribution or pay-

1 ment is identified for the Committee on Standards
2 of Official Conduct.

3 “(5) Any food or refreshments which the recipi-
4 ent reasonably believes to have a value of less than
5 \$20.

6 “(6) Any gift from another Member, officer, or
7 employee of the Senate or the House of Representa-
8 tives.

9 “(7) Food, refreshments, lodging, and other
10 benefits—

11 “(A) resulting from the outside business or
12 employment activities (or other outside activi-
13 ties that are not connected to the duties of the
14 Member, officer, or employee as an officeholder)
15 of the Member, officer, or employee, or the
16 spouse of the Member, officer, or employee, if
17 such benefits have not been offered or enhanced
18 because of the official position of the Member,
19 officer, or employee and are customarily pro-
20 vided to others in similar circumstances;

21 “(B) customarily provided by a prospective
22 employer in connection with bona fide employ-
23 ment discussions; or

24 “(C) provided by a political organization
25 described in section 527(e) of the Internal Rev-

1 enue Code of 1986 in connection with a fund-
2 raising or campaign event sponsored by such an
3 organization.

4 “(8) Pension and other benefits resulting from
5 continued participation in an employee welfare and
6 benefits plan maintained by a former employer.

7 “(9) Informational materials that are sent to
8 the office of the Member, officer, or employee in the
9 form of books, articles, periodicals, other written
10 materials, audiotapes, videotapes, or other forms of
11 communication.

12 “(10) Awards or prizes which are given to com-
13 petitors in contests or events open to the public, in-
14 cluding random drawings.

15 “(11) Honorary degrees (and associated travel,
16 food, refreshments, and entertainment) and other
17 bona fide, nonmonetary awards presented in recogni-
18 tion of public service (and associated food, refresh-
19 ments, and entertainment provided in the presen-
20 tation of such degrees and awards).

21 “(12) Donations of products from the State
22 that the Member represents that are intended pri-
23 marily for promotional purposes, such as display or
24 free distribution, and are of minimal value to any in-
25 dividual recipient.

1 “(13) Food, refreshments, and entertainment
2 provided to a Member or an employee of a Member
3 in the Member’s home State, subject to reasonable
4 limitations, to be established by the Committee on
5 Standards of Official Conduct.

6 “(14) An item of little intrinsic value such as
7 a greeting card, baseball cap, or a T shirt.

8 “(15) Training (including food and refresh-
9 ments furnished to all attendees as an integral part
10 of the training) provided to a Member, officer, or
11 employee, if such training is in the interest of the
12 House of Representatives.

13 “(16) Bequests, inheritances, and other trans-
14 fers at death.

15 “(17) Any item, the receipt of which is author-
16 ized by the Foreign Gifts and Decorations Act, the
17 Mutual Educational and Cultural Exchange Act, or
18 any other statute.

19 “(18) Anything which is paid for by the Federal
20 Government, by a State or local government, or se-
21 cured by the Government under a Government con-
22 tract.

23 “(19) A gift of personal hospitality of an indi-
24 vidual, as defined in section 109(14) of the Ethics
25 in Government Act.

1 “(20) Free attendance at a widely attended
2 event permitted pursuant to paragraph (e).

3 “(21) Opportunities and benefits which are—

4 “(A) available to the public or to a class
5 consisting of all Federal employees, whether or
6 not restricted on the basis of geographic consid-
7 eration;

8 “(B) offered to members of a group or
9 class in which membership is unrelated to con-
10 gressional employment;

11 “(C) offered to members of an organiza-
12 tion, such as an employees’ association or con-
13 gressional credit union, in which membership is
14 related to congressional employment and similar
15 opportunities are available to large segments of
16 the public through organizations of similar size;

17 “(D) offered to any group or class that is
18 not defined in a manner that specifically dis-
19 criminate among Government employees on the
20 basis of branch of Government or type of re-
21 sponsibility, or on a basis that favors those of
22 higher rank or rate of pay;

23 “(E) in the form of loans from banks and
24 other financial institutions on terms generally
25 available to the public; or

1 “(F) in the form of reduced membership or
2 other fees for participation in organization ac-
3 tivities offered to all Government employees by
4 professional organizations if the only restric-
5 tions on membership relate to professional
6 qualifications.

7 “(22) A plaque, trophy, or other memento of
8 modest value.

9 “(23) Anything for which, in exceptional cir-
10 cumstances, a waiver is granted by the Committee
11 on Standards of Official Conduct.

12 “(e)(1) Except as prohibited by paragraph (a), a
13 Member, officer, or employee may accept an offer of free
14 attendance at a widely attended convention, conference,
15 symposium, forum, panel discussion, dinner, viewing, re-
16 ception, or similar event, provided by the sponsor of the
17 event, if—

18 “(A) the Member, officer, or employee partici-
19 pates in the event as a speaker or a panel partici-
20 pant, by presenting information related to Congress
21 or matters before Congress, or by performing a cere-
22 monial function appropriate to the Member’s, offi-
23 cer’s, or employee’s official position; or

1 “(B) attendance at the event is appropriate to
2 the performance of the official duties or representa-
3 tive function of the Member, officer, or employee.

4 “(2) A Member, officer, or employee who attends an
5 event described in subparagraph (1) may accept a spon-
6 sor’s unsolicited offer of free attendance at the event for
7 an accompanying individual if others in attendance will
8 generally be similarly accompanied or if such attendance
9 is appropriate to assist in the representation of the House
10 of Representatives.

11 “(3) Except as prohibited by paragraph (a), a Mem-
12 ber, officer, or employee, or the spouse or dependent there-
13 of, may accept a sponsor’s unsolicited offer of free attend-
14 ance at a charity event, except that reimbursement for
15 transportation and lodging may not be accepted in connec-
16 tion with the event.

17 “(4) For purposes of this paragraph, the term ‘free
18 attendance’ may include waiver of all or part of a con-
19 ference or other fee, the provision of local transportation,
20 or the provision of food, refreshments, entertainment, and
21 instructional materials furnished to all attendees as an in-
22 tegral part of the event. The term does not include enter-
23 tainment collateral to the event, or food or refreshments
24 taken other than in a group setting with all or substan-
25 tially all other attendees.

1 “(f) No Member, officer, or employee may accept a
2 gift the value of which exceeds \$250 on the basis of the
3 personal relationship exception in paragraph (d)(3) or the
4 close personal friendship exception in section 106(d) of the
5 Lobbying Disclosure Act of 1994 unless the Committee
6 on Standards of Official Conduct issues a written deter-
7 mination that one of such exceptions applies.

8 “(g)(1) The Committee on Standards of Official Con-
9 duct is authorized to adjust the dollar amount referred
10 to in paragraph (c)(5) on a periodic basis, to the extent
11 necessary to adjust for inflation.

12 “(2) The Committee on Standards of Official Con-
13 duct shall provide guidance setting forth reasonable steps
14 that may be taken by Members, officers, and employees,
15 with a minimum of paperwork and time, to prevent the
16 acceptance of prohibited gifts from lobbyists.

17 “(3) When it is not practicable to return a tangible
18 item because it is perishable, the item may, at the discre-
19 tion of the recipient, be given to an appropriate charity
20 or destroyed.

21 “(h)(1)(A) Except as prohibited by paragraph (a), a
22 reimbursement (including payment in kind) to a Member,
23 officer, or employee for necessary transportation, lodging
24 and related expenses for travel to a meeting, speaking en-
25 gagement, factfinding trip or similar event in connection

1 with the duties of the Member, officer, or employee as an
2 officeholder shall be deemed to be a reimbursement to the
3 House of Representatives and not a gift prohibited by this
4 paragraph, if the Member, officer, or employee—

5 “(i) in the case of an employee, receives ad-
6 vance authorization, from the Member or officer
7 under whose direct supervision the employee works,
8 to accept reimbursement, and

9 “(ii) discloses the expenses reimbursed or to be
10 reimbursed and the authorization to the Clerk of the
11 House of Representatives within 30 days after the
12 travel is completed.

13 “(B) For purposes of clause (A), events, the activities
14 of which are substantially recreational in nature, shall not
15 be considered to be in connection with the duties of a
16 Member, officer, or employee as an officeholder.

17 “(2) Each advance authorization to accept reimburse-
18 ment shall be signed by the Member or officer under whose
19 direct supervision the employee works and shall include—

20 “(A) the name of the employee;

21 “(B) the name of the person who will make the
22 reimbursement;

23 “(C) the time, place, and purpose of the travel;
24 and

1 “(D) a determination that the travel is in con-
2 nection with the duties of the employee as an office-
3 holder and would not create the appearance that the
4 employee is using public office for private gain.

5 “(3) Each disclosure made under subparagraph
6 (1)(A) of expenses reimbursed or to be reimbursed shall
7 be signed by the Member or officer (in the case of travel
8 by that Member or officer) or by the Member or officer
9 under whose direct supervision the employee works (in the
10 case of travel by an employee) and shall include—

11 “(A) a good faith estimate of total transpor-
12 tation expenses reimbursed or to be reimbursed;

13 “(B) a good faith estimate of total lodging ex-
14 penses reimbursed or to be reimbursed;

15 “(C) a good faith estimate of total meal ex-
16 penses reimbursed or to be reimbursed;

17 “(D) a good faith estimate of the total of other
18 expenses reimbursed or to be reimbursed;

19 “(E) a determination that all such expenses are
20 necessary transportation, lodging, and related ex-
21 penses as defined in this paragraph; and

22 “(F) in the case of a reimbursement to a Mem-
23 ber or officer, a determination that the travel was in
24 connection with the duties of the Member or officer
25 as an officeholder and would not create the appear-

1 ance that the Member or officer is using public of-
2 fice for private gain.

3 “(4) For the purposes of this paragraph, the term
4 ‘necessary transportation, lodging, and related ex-
5 penses’—

6 “(A) includes reasonable expenses that are nec-
7 essary for travel—

8 “(i) for a period not exceeding 4 days in-
9 cluding travel time within the United States or
10 7 days in addition to travel time outside the
11 United States; and

12 “(ii) within 24 hours before or after par-
13 ticipation in an event in the United States or
14 within 48 hours before or after participation in
15 an event outside the United States,

16 unless approved in advance by the Committee on
17 Standards of Official Conduct;

18 “(B) is limited to reasonable expenditures for
19 transportation, lodging, conference fees and mate-
20 rials, and food and refreshments, including reim-
21 bursement for necessary transportation, whether or
22 not such transportation occurs within the periods de-
23 scribed in clause (A);

24 “(C) does not include expenditures for rec-
25 reational activities or entertainment other than that

1 provided to all attendees as an integral part of the
2 event; and

3 “(D) may include travel expenses incurred on
4 behalf of either the spouse or a child of the Member,
5 officer, or employee, subject to a determination
6 signed by the Member or officer (or in the case of
7 an employee, the Member or officer under whose di-
8 rect supervision the officer or employee works) that
9 the attendance of the spouse or child is appropriate
10 to assist in the representation of the House of Rep-
11 resentatives.

12 “(5) The Clerk of the House of Representatives shall
13 make available to the public all advance authorizations
14 and disclosures of reimbursement filed pursuant to sub-
15 paragraph (1) as soon as possible after they are received.”.

16 **SEC. 3. MISCELLANEOUS PROVISIONS.**

17 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT
18 ACT.—Section 102(a)(2)(B) of the Ethics in Government
19 Act (5 U.S.C. 102, App. 6) is amended by adding at the
20 end thereof the following: “Reimbursements accepted by
21 a Federal agency pursuant to section 1353 of title 31,
22 United States Code, or deemed accepted by the Senate or
23 the House of Representatives pursuant to Rule XXXV of
24 the Standing Rules of the Senate or clause 4 of Rule
25 XLIII of the Rules of the House of Representatives shall

1 be reported as required by such statute or rule and need
2 not be reported under this section.”.

3 (b) REPEAL OF OBSOLETE PROVISION.—Section 901
4 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is re-
5 pealed.

6 (c) SENATE PROVISIONS.—

7 (1) AUTHORITY OF THE COMMITTEE ON RULES
8 AND ADMINISTRATION.—The Senate Committee on
9 Rules and Administration, on behalf of the Senate,
10 may accept gifts provided they do not involve any
11 duty, burden, or condition, or are not made depend-
12 ent upon some future performance by the United
13 States. The Committee on Rules and Administration
14 is authorized to promulgate regulations to carry out
15 this section.

16 (2) FOOD, REFRESHMENTS, AND ENTERTAIN-
17 MENT.—The rules on acceptance of food, refresh-
18 ments, and entertainment provided to a Member of
19 the Senate or an employee of such a Member in the
20 Member’s home State before the adoption of reason-
21 able limitations by the Committee on Rules and Ad-
22 ministration shall be the rules in effect on the day
23 before the effective date of this Act.

24 (d) HOUSE PROVISION.—The rules on acceptance of
25 food, refreshments, and entertainment provided to a Mem-

1 ber of the House of Representatives or an employee of
2 such a Member in the Member's home State before the
3 adoption of reasonable limitations by the Committee on
4 Standards of Official Conduct shall be the rules in effect
5 on the day before the effective date of this Act.

6 **SEC. 4. EXERCISE OF CONGRESSIONAL RULEMAKING POW-**
7 **ERS.**

8 Sections 1, 2, 3(c), and 3(d) of this Act are enacted
9 by Congress—

10 (1) as an exercise of the rulemaking power of
11 the Senate and the House of Representatives, re-
12 spectively, and pursuant to section 7353(b)(1) of
13 title 5, United States Code, and accordingly, they
14 shall be considered as part of the rules of each
15 House, respectively, or of the House to which they
16 specifically apply, and such rules shall supersede
17 other rules only to the extent that they are inconsis-
18 tent therewith; and

19 (2) with full recognition of the constitutional
20 right of either House to change such rules (insofar
21 as they relate to that House) at any time and in the
22 same manner and to the same extent as in the case
23 of any other rule of that House.

1 **SEC. 5. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING**
2 **FIRMS, AND AGENTS OF FOREIGN PRIN-**
3 **CIPALS.**

4 (a) IN GENERAL.—

5 (1) PROHIBITION.—No lobbyist or lobbying
6 firm registered under this Act and no agent of a for-
7 eign principal registered under the Foreign Agents
8 Registration Act may provide a gift, directly or indi-
9 rectly, to any covered legislative branch official.

10 (2) DEFINITION.—For purposes of this sec-
11 tion—

12 (A) the term “gift” means any gratuity,
13 favor, discount, entertainment, hospitality, loan,
14 forbearance, or other item having monetary
15 value and such term includes gifts of services,
16 training, transportation, lodging, and meals,
17 whether provided in kind, by purchase of a tick-
18 et, payment in advance, or reimbursement after
19 the expense has been incurred; and

20 (B) a gift to the spouse or dependent of a
21 covered legislative branch official (or a gift to
22 any other individual based on that individual’s
23 relationship with the covered legislative branch
24 official) shall be considered a gift to the covered
25 legislative branch official if it is given with the
26 knowledge and acquiescence of the covered leg-

1 islative branch official and is given because of
2 the official position of the covered legislative
3 branch official.

4 (b) GIFTS.—The prohibition in subsection (a) in-
5 cludes the following:

6 (1) Anything provided by a lobbyist or a foreign
7 agent which is paid for, charged to, or reimbursed
8 by a client or firm of such lobbyist or foreign agent.

9 (2) Anything provided by a lobbyist, a lobbying
10 firm, or a foreign agent to an entity that is main-
11 tained or controlled by a covered legislative branch
12 official.

13 (3) A charitable contribution (as defined in sec-
14 tion 170(c) of the Internal Revenue Code of 1986)
15 made by a lobbyist, a lobbying firm, or a foreign
16 agent on the basis of a designation, recommenda-
17 tion, or other specification of a covered legislative
18 branch official (not including a mass mailing or
19 other solicitation directed to a broad category of per-
20 sons or entities).

21 (4) A contribution or other payment by a lobby-
22 ist, a lobbying firm, or a foreign agent to a legal ex-
23 pense fund established for the benefit of a covered
24 legislative branch official or a covered executive
25 branch official.

1 (5) A charitable contribution (as defined in sec-
2 tion 170(c) of the Internal Revenue Code of 1986)
3 made by a lobbyist, a lobbying firm, or a foreign
4 agent in lieu of an honorarium to a covered legisla-
5 tive branch official.

6 (6) A financial contribution or expenditure
7 made by a lobbyist, a lobbying firm, or a foreign
8 agent relating to a conference, retreat, or similar
9 event, sponsored by or affiliated with an official con-
10 gressional organization, for or on behalf of covered
11 legislative branch officials.

12 (c) NOT GIFTS.—The following are not gifts subject
13 to the prohibition in subsection (a):

14 (1) Anything for which the recipient pays the
15 market value, or does not use and promptly returns
16 to the donor.

17 (2) A contribution, as defined in the Federal
18 Election Campaign Act of 1971 (2 U.S.C. 431 et
19 seq.) that is lawfully made under that Act, or at-
20 tendance at a fundraising event sponsored by a po-
21 litical organization described in section 527(e) of the
22 Internal Revenue Code of 1986.

23 (3) Food or refreshments of nominal value of-
24 fered other than as part of a meal.

1 (4) Benefits resulting from the business, em-
2 ployment, or other outside activities of the spouse of
3 a covered legislative branch official, if such benefits
4 are customarily provided to others in similar cir-
5 cumstances.

6 (5) Pension and other benefits resulting from
7 continued participation in an employee welfare and
8 benefits plan maintained by a former employer.

9 (6) Informational materials that are sent to the
10 office of a covered legislative branch official in the
11 form of books, articles, periodicals, other written
12 materials, audiotapes, videotapes, or other forms of
13 communication.

14 (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE
15 AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE
16 PERSONAL FRIENDSHIP.—

17 (1) IN GENERAL.—A gift given by an individual
18 under circumstances which make it clear that the
19 gift is given for a nonbusiness purpose and is moti-
20 vated by a family relationship or close personal
21 friendship and not by the position of the covered leg-
22 islative branch official shall not be subject to the
23 prohibition in subsection (a).

1 (2) NONBUSINESS PURPOSE.—A gift shall not
2 be considered to be given for a nonbusiness purpose
3 if the individual giving the gift seeks—

4 (A) to deduct the value of such gift as a
5 business expense on the individual's Federal in-
6 come tax return, or

7 (B) direct or indirect reimbursement or
8 any other compensation for the value of the gift
9 from a client or employer of such lobbyist or
10 foreign agent.

11 (3) FAMILY RELATIONSHIP OR CLOSE PER-
12 SONAL FRIENDSHIP.—In determining if the giving of
13 a gift is motivated by a family relationship or close
14 personal friendship, at least the following factors
15 shall be considered:

16 (A) The history of the relationship between
17 the individual giving the gift and the recipient
18 of the gift, including whether or not gifts have
19 previously been exchanged by such individuals.

20 (B) Whether the gift was purchased by the
21 individual who gave the item.

22 (C) Whether the individual who gave the
23 gift also at the same time gave the same or
24 similar gifts to other covered legislative branch
25 officials.

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on May 31, 1995.

S 1061 PCS1S—2

S 1061 PCS1S—3

S 1061 PCS1S—4